

JOURNAL OF THE HOUSE

EIGHTY-EIGHTH SESSION

TWENTY-SIXTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 20, 2013

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Deacon Denny Davis, followed by the Pledge of Allegiance led by House page Madison Inches.

Roll Call: All members present except Rep. Heinert who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-fifth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

February 19, 2013

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on February 19, 2013, I approved House Bills 1024, 1025, 1047, and 1097, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Dennis Daugaard
Governor

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Transportation respectfully reports that it has had under consideration HB 1080, which was reconsidered, and returns the same without recommendation.

Respectfully submitted,
Mike Verchio, Chair

Also MR. SPEAKER:

The Committee on Education respectfully reports that it has had under consideration SB 158 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on Education respectfully reports that it has had under consideration SB 80 and returns the same with the recommendation that said bill be amended as follows:

80ra

On page 1, line 8, of the printed bill, delete "P.L. 103-382, title VIII" and insert "Title VIII of the Elementary and Secondary Education Act".

On page 1, line 9, delete "school district P.L. 103-382, title VIII" and insert "Title VIII of the Elementary and Secondary Education Act".

On page 1, line 11, after "government under" delete "the".

1 On page 1, line 12, delete "provisions of P.L. 103-382, title VIII" and insert "Title VIII of
2 the Elementary and Secondary Education Act funds".

3 On page 2, line 2, delete "P.L. 103-" and insert "Title VIII of the Elementary and Secondary
4 Education Act".

5 On page 2, line 3, delete "382, title VIII".

6 On page 2, line 3, delete "P.L. 103-382, title VIII" and insert "Title VIII of the Elementary
7 and Secondary Education Act".

8 On page 2, line 6, delete "P.L. 103-382, title VIII" and insert "Title VIII of the Elementary
9 and Secondary Education Act".

10 On page 2, line 8, after "its" delete "P.L. 103-382, title VIII " and insert "Title VIII of the
11 Elementary and Secondary Education Act".

12 On page 2, line 8, after "out of the" delete "P.L. 103-382, title VIII" and insert "Title VIII
13 of the Elementary and Secondary Education Act".

14 And that as so amended said bill do pass.

15 Respectfully submitted,
16 Jacqueline Sly, Chair

17 Also MR. SPEAKER:

18 The Committee on State Affairs respectfully reports that it has had under consideration
19 SB 3, 4, and 33 and returns the same with the recommendation that said bills do pass.

20 Also MR. SPEAKER:

21 The Committee on State Affairs respectfully reports that it has had under consideration
22 SB 13 and 32 and returns the same with the recommendation that said bills do pass and be
23 placed on the consent calendar.

24 Also MR. SPEAKER:

25 The Committee on State Affairs respectfully reports that it has had under consideration
26 SB 5 and returns the same with the recommendation that said bill be amended as follows:

1 5ma

2 On page 4, line 11, of the Senate engrossed bill, delete everything after "(10)" and insert
3 "One member of the State Board of Education who shall serve for one year and be appointed
4 by the secretary of the Department of Education;

5 (11) One local school board member who shall serve for one year and be appointed by the
6 secretary of the Department of Education;

7 (12) One superintendent who shall serve for one year and be appointed by the secretary
8 of the Department of Education;"

9 On page 4, delete line 12.

10 On page 4, line 13, delete "(11)" and insert "(13)".

11 On page 4, line 16, delete "(12)" and insert "(14)".

12 5oa

13 On page 4, line 6, of the Senate engrossed bill, after "Representatives" insert ". No more
14 than two of the members may be from the same political party".

15 On page 4, line 7, after "Senate" insert ". No more than two of the members may be from
16 the same political party".

17 And that as so amended said bill do pass.

18 Respectfully submitted,
19 David Lust, Chair

20 Also MR. SPEAKER:

21 The Committee on Commerce and Energy respectfully reports that it has had under
22 consideration SB 52 and returns the same with the recommendation that said bill do pass.

23 Also MR. SPEAKER:

24 The Committee on Commerce and Energy respectfully reports that it has had under
25 consideration SB 12, 67, and 85 and returns the same with the recommendation that said bills
26 do pass and be placed on the consent calendar.

27 Respectfully submitted,
28 Roger D. Solum, Chair

1 Also MR. SPEAKER:

2 The Committee on Judiciary respectfully reports that it has had under consideration SB 35
3 and 36 and returns the same with the recommendation that said bills do pass.

4 Also MR. SPEAKER:

5 The Committee on Judiciary respectfully reports that it has had under consideration SB 39
6 and returns the same with the recommendation that said bill be amended as follows:

7 39rd

8 On the printed bill, delete everything after the enacting clause and insert:

9 " Section 1. That § 22-6-1 be amended to read as follows:

10 22-6-1. Except as otherwise provided by law, felonies are divided into the following nine
11 classes which are distinguished from each other by the following maximum penalties which are
12 authorized upon conviction:

13 (1) Class A felony: death or life imprisonment in the state penitentiary. A lesser sentence
14 than death or life imprisonment may not be given for a Class A felony. In addition,
15 a fine of fifty thousand dollars may be imposed;

16 (2) Class B felony: life imprisonment in the state penitentiary. A lesser sentence may not
17 be given for a Class B felony. In addition, a fine of fifty thousand dollars may be
18 imposed;

19 (3) Class C felony: life imprisonment in the state penitentiary. In addition, a fine of fifty
20 thousand dollars may be imposed;

21 (4) Class 1 felony: fifty years imprisonment in the state penitentiary. In addition, a fine
22 of fifty thousand dollars may be imposed;

23 (5) Class 2 felony: twenty-five years imprisonment in the state penitentiary. In addition,
24 a fine of fifty thousand dollars may be imposed;

25 (6) Class 3 felony: fifteen years imprisonment in the state penitentiary. In addition, a fine
26 of thirty thousand dollars may be imposed;

27 (7) Class 4 felony: ten years imprisonment in the state penitentiary. In addition, a fine of
28 twenty thousand dollars may be imposed;

29 (8) Class 5 felony: five years imprisonment in the state penitentiary. In addition, a fine
30 of ten thousand dollars may be imposed; and

1 (9) Class 6 felony: two years imprisonment in the state penitentiary or a fine of four
2 thousand dollars, or both.

3 If the defendant is under the age of eighteen years at the time of the offense and found guilty
4 of a Class A or B felony, the maximum sentence may be life imprisonment in the state
5 penitentiary. In addition, a fine of fifty thousand dollars may be imposed.

6 The court, in imposing sentence on a defendant who has been found guilty of a felony, shall
7 order in addition to the sentence that is imposed pursuant to the provisions of this section, that
8 the defendant make restitution to any victim in accordance with the provisions of chapter 23A-
9 28.

10 Nothing in this section limits increased sentences for habitual criminals under §§ 22-7-7,
11 22-7-8, and 22-7-8.1.

12 Section 2. That § 23A-27-1 be amended to read as follows:

13 23A-27-1. Sentences shall be imposed without unreasonable delay, but not within forty-eight
14 hours after determination of guilt. A defendant may waive the forty-eight hour delay. Before
15 imposing a sentence, a court may order a hearing in mitigation or aggravation of punishment.
16 If the defendant is a juvenile convicted as an adult of a Class A or Class B felony, prior to
17 imposing a sentence, the court shall conduct a presentence hearing. At such hearing, the court
18 shall allow the defense counsel an opportunity to speak on behalf of the defendant and shall
19 address the defendant personally and ask him if he wishes to make a statement in his own behalf
20 and to present any information in mitigation of punishment. The prosecuting attorney shall have
21 an equivalent opportunity to speak to the court. The circumstances must be presented by the
22 testimony of witnesses examined in open court, except that a witness' deposition may be taken
23 by a magistrate in accordance with chapter 23A-12. In imposing a sentence, the court shall enter
24 an order of restitution in accordance with chapter 23A-28."

25 And that as so amended said bill do pass.

26 Respectfully submitted,
27 Brian G. Gosch, Chair

28 MESSAGES FROM THE SENATE

29 MR. SPEAKER:

30 I have the honor to return herewith HB 1086 and 1140 which have passed the Senate
31 without change.

1 Also MR. SPEAKER:

2 I have the honor to transmit herewith SB 44, 142, 143, 182, 183, 195, and 235 which have
3 passed the Senate and your favorable consideration is respectfully requested.

4 Respectfully,
5 Jeannette Schipper, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 HCR 1007: A CONCURRENT RESOLUTION, Endorsing Taiwan's participation as an
8 observer in the International Civil Aviation Organization (ICAO) and the United Nations
9 Framework Convention on Climate Change (UNFCCC), and the twenty-ninth anniversary of
10 sister state relations with the Province of Taiwan in the Republic of China (Taiwan).

11 Rep. Lust moved that HCR 1007 as found on page 434 of the House Journal be adopted.

12 The question being on Rep. Lust's motion that HCR 1007 be adopted.

13 And the roll being called:

14 Yeas 63, Nays 6, Excused 1, Absent 0

15 Yeas:

16 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
17 Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Hajek; Hansen; Hawks; Hawley;
18 Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Latterell;
19 Lust; Magstadt; Mickelson; Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty);
20 Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum;
21 Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Tyler;
22 Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

23 Nays:

24 Greenfield; Haggar (Jenna); Kaiser; Kopp; May; Steele

25 Excused:

26 Heinert

27 So the motion having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the motion carried and HCR 1007 was adopted.

1 HCR 1008: A CONCURRENT RESOLUTION, Exposing and opposing United Nations
2 Agenda 21.

3 Rep. Stalzer moved that HCR 1008 as found on page 436 of the House Journal be adopted.

4 The question being on Rep. Stalzer's motion that HCR 1008 be adopted.

5 And the roll being called:

6 Yeas 55, Nays 14, Excused 1, Absent 0

7 Yeas:

8 Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
9 Erickson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Heinemann (Leslie);
10 Hickey; Hoffman; Johns; Kaiser; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;
11 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Peterson; Qualm;
12 Rasmussen; Romkema; Rounds; Rozum; Russell; Schaefer; Schrempp; Sly; Solum; Stalzer;
13 Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Speaker Gosch

14 Nays:

15 Bartling; Feickert; Feinstein; Gibson; Hawks; Hawley; Hunhoff (Bernie); Killer; Kirschman;
16 Parsley; Ring; Schoenfish; Soli; Wismer

17 Excused:

18 Heinert

19 So the motion having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the motion carried and HCR 1008 was adopted.

21 CONSIDERATION OF REPORTS OF COMMITTEES

22 Rep. Lust moved that the report of the Standing Committee on

23 Transportation on SB 151 as found on page 430 of the House Journal be adopted.

24 Which motion prevailed.

25 Rep. Hickey moved that the words "without recommendation" be stricken from the report
26 of the Committee on Transportation on HB 1080, that the words "do pass" be inserted, and that
27 the bill be placed on today's calendar of Wednesday, February 20, the 26th legislative day.

28 The question being on Rep. Hickey's motion that the words "without recommendation" be
29 stricken from the report of the Committee on Transportation on HB 1080, that the words "do

1 pass" be inserted, and that the bill be placed on today's calendar of Wednesday, February 20, the
2 26th legislative day.

3 And the roll being called:

4 Yeas 41, Nays 28, Excused 1, Absent 0

5 Yeas:

6 Bartling; Bolin; Craig; Dryden; Duvall; Ecklund; Erickson; Feinstein; Gibson; Haggar (Don);
7 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie);
8 Killer; Kirschman; Kopp; Latterell; Magstadt; Mickelson; Munsterman; Novstrup (David);
9 Otten (Herman); Parsley; Qualm; Rasmussen; Ring; Rozum; Schoenfish; Sly; Soli; Stevens;
10 Tulson; Tyler; Werner; Westra; Wismer

11 Nays:

12 Cammack; Campbell; Carson; Conzet; Cronin; Feickert; Greenfield; Haggar (Jenna); Johns;
13 Kaiser; Lust; May; Miller; Nelson; Olson (Betty); Peterson; Romkema; Rounds; Russell;
14 Schaefer; Schrempf; Solum; Stalzer; Steele; Verchio; Wick; Wink; Speaker Gosch

15 Excused:

16 Heinert

17 So the motion having received an affirmative vote of a majority of the members-elect, the
18 Speaker declared the motion carried, and HB 1080 was so placed.

19 Rep. Wink moved that HB 1080 be placed to follow HB 1214 on today's calendar.

20 Which motion prevailed.

21 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

22 HB 1142: FOR AN ACT ENTITLED, An Act to promote patient choice in selecting health
23 care providers.

24 Having had its second reading was up for consideration and final passage.

25 The question being "Shall HB 1142 pass as amended?"

26 And the roll being called:

27 Yeas 39, Nays 30, Excused 1, Absent 0

1 Yeas:

2 Cammack; Campbell; Carson; Conzet; Craig; Cronin; Duvall; Ecklund; Erickson; Feickert;
3 Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hawks; Heinemann (Leslie); Hickey; Killer;
4 Kopp; Latterell; Lust; Magstadt; May; Miller; Munsterman; Novstrup (David); Olson (Betty);
5 Rozum; Sly; Solum; Stalzer; Steele; Stevens; Tulson; Verchio; Werner; Westra; Wick; Speaker
6 Gosch

7 Nays:

8 Bartling; Bolin; Dryden; Greenfield; Hajek; Hansen; Hawley; Hoffman; Hunhoff (Bernie);
9 Johns; Kaiser; Kirschman; Mickelson; Nelson; Otten (Herman); Parsley; Peterson; Qualm;
10 Rasmussen; Ring; Romkema; Rounds; Russell; Schaefer; Schoenfish; Schrempp; Soli; Tyler;
11 Wink; Wismer

12 Excused:

13 Heinert

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the bill passed and the title was agreed to.

16 HB 1045: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
17 alternative apportionment methods available for determination of the bank franchise tax.

18 Was read the second time.

19 The question being "Shall HB 1045 pass as amended?"

20 And the roll being called:

21 Yeas 43, Nays 26, Excused 1, Absent 0

22 Yeas:

23 Bartling; Bolin; Cammack; Campbell; Carson; Cronin; Duvall; Ecklund; Erickson; Feickert;
24 Gibson; Haggar (Don); Heinemann (Leslie); Hoffman; Hunhoff (Bernie); Killer; Kirschman;
25 Kopp; Lust; Magstadt; May; Mickelson; Miller; Nelson; Olson (Betty); Parsley; Qualm;
26 Rasmussen; Romkema; Schoenfish; Sly; Soli; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio;
27 Werner; Westra; Wink; Wismer; Speaker Gosch

28 Nays:

29 Conzet; Craig; Dryden; Feinstein; Greenfield; Haggar (Jenna); Hajek; Hansen; Hawks; Hawley;
30 Hickey; Johns; Kaiser; Latterell; Munsterman; Novstrup (David); Otten (Herman); Peterson;
31 Ring; Rounds; Rozum; Russell; Schaefer; Schrempp; Solum; Wick

32 Excused:

33 Heinert

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 Rep. Wink moved that HB 1161, 1136, 1137, and 1235 be placed to follow HB 1184 on
4 today's calendar.

5 Which motion prevailed.

6 HB 1212: FOR AN ACT ENTITLED, An Act to increase the expense allowances of
7 legislators.

8 Was read the second time.

9 The question being "Shall HB 1212 pass as amended?"

10 And the roll being called:

11 Yeas 36, Nays 33, Excused 1, Absent 0

12 Yeas:

13 Bartling; Cammack; Conzet; Cronin; Dryden; Ecklund; Feinstein; Gibson; Haggar (Jenna);
14 Hajek; Hawley; Heinemann (Leslie); Hoffman; Hunhoff (Bernie); Killer; Kirschman; Lust;
15 Magstadt; May; Mickelson; Miller; Munsterman; Novstrup (David); Olson (Betty); Parsley;
16 Ring; Romkema; Rozum; Soli; Solum; Steele; Tulson; Werner; Westra; Wismer; Speaker
17 Gosch

18 Nays:

19 Bolin; Campbell; Carson; Craig; Duvall; Erickson; Feickert; Greenfield; Haggar (Don); Hansen;
20 Hawks; Hickey; Johns; Kaiser; Kopp; Latterell; Nelson; Otten (Herman); Peterson; Qualm;
21 Rasmussen; Rounds; Russell; Schaefer; Schoenfish; Schrempp; Sly; Stalzer; Stevens; Tyler;
22 Verchio; Wick; Wink

23 Excused:

24 Heinert

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 Speaker declared the bill passed and the title was agreed to.

27 HB 1214: FOR AN ACT ENTITLED, An Act to provide medical care for certain unborn
28 children.

29 Was read the second time.

1 Rep. Russell requested a fiscal note on HB 1214.

2 Which request was supported.

3 Rep. Lust moved that the House do now recess until 5:00 p.m., which motion prevailed and
4 at 4:03 p.m., the House recessed.

5 **RECESS**

6 The House reconvened at 5:00 p.m., the Speaker presiding.

7 HB 1080: FOR AN ACT ENTITLED, An Act to include certain speeding offenses in the
8 point system for traffic violations for the purposes of driver license records.

9 Was read the second time.

10 The question being "Shall HB 1080 pass?"

11 And the roll being called:

12 Yeas 37, Nays 32, Excused 1, Absent 0

13 Yeas:

14 Bartling; Bolin; Craig; Duvall; Ecklund; Erickson; Feinstein; Gibson; Haggar (Don); Hajek;
15 Hansen; Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Killer;
16 Kirschman; Kopp; Lust; Magstadt; Mickelson; Munsterman; Novstrup (David); Otten
17 (Herman); Parsley; Ring; Schoenfish; Schrempp; Sly; Soli; Stevens; Tyler; Werner; Westra;
18 Wismer

19 Nays:

20 Cammack; Campbell; Carson; Conzet; Cronin; Dryden; Feickert; Greenfield; Haggar (Jenna);
21 Johns; Kaiser; Latterell; May; Miller; Nelson; Olson (Betty); Peterson; Qualm; Rasmussen;
22 Romkema; Rounds; Rozum; Russell; Schaefer; Solum; Stalzer; Steele; Tulson; Verchio; Wick;
23 Wink; Speaker Gosch

24 Excused:

25 Heinert

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the bill passed and the title was agreed to.

1 HB 1089: FOR AN ACT ENTITLED, An Act to require statewide livestock ownership
2 inspection.

3 Was read the second time.

4 The question being "Shall HB 1089 pass as amended?"

5 And the roll being called:

6 Yeas 22, Nays 47, Excused 1, Absent 0

7 Yeas:

8 Bartling; Campbell; Conzet; Ecklund; Feinstein; Hawks; Hawley; Hickey; Hunhoff (Bernie);
9 Killer; Kirschman; Kopp; May; Miller; Olson (Betty); Russell; Schrempp; Soli; Steele; Tyler;
10 Verchio; Wismer

11 Nays:

12 Bolin; Cammack; Carson; Craig; Cronin; Dryden; Duvall; Erickson; Feickert; Gibson;
13 Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Heinemann (Leslie); Hoffman;
14 Johns; Kaiser; Latterell; Lust; Magstadt; Mickelson; Munsterman; Nelson; Novstrup (David);
15 Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum;
16 Schaefer; Schoenfish; Sly; Solum; Stalzer; Stevens; Tulson; Werner; Westra; Wick; Wink;
17 Speaker Gosch

18 Excused:

19 Heinert

20 So the bill not having received an affirmative vote of a majority of the members-elect, the
21 Speaker declared the bill lost.

22 HB 1149: FOR AN ACT ENTITLED, An Act to revise and clarify requirements relating
23 to limits of small game and fish taken by small game hunting parties and fishing parties.

24 Was read the second time.

25 The question being "Shall HB 1149 pass as amended?"

26 And the roll being called:

27 Yeas 69, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
4 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie);
5 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;
6 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
7 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
9 Wick; Wink; Wismer; Speaker Gosch

10 Excused:

11 Heinert

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 Rep. Lust moved that HB 1165 be placed to follow HB 1235 on today's calendar.

15 Which motion prevailed.

16 HB 1204: FOR AN ACT ENTITLED, An Act to require the Board of Education to obtain
17 legislative approval before adopting any further Common Core standards, and to repeal a
18 provision requiring the board to conduct certain public hearings.

19 Was read the second time.

20 The question being "Shall HB 1204 pass?"

21 And the roll being called:

22 Yeas 36, Nays 32, Excused 2, Absent 0

23 Yeas:

24 Bolin; Cammack; Campbell; Craig; Ecklund; Erickson; Feickert; Greenfield; Haggar (Don);
25 Haggar (Jenna); Hansen; Heinemann (Leslie); Hickey; Hoffman; Kaiser; Kirschman; Kopp;
26 Latterell; Lust; Magstadt; May; Miller; Nelson; Olson (Betty); Qualm; Rasmussen; Rounds;
27 Russell; Schaefer; Solum; Stalzer; Steele; Verchio; Wick; Wink; Speaker Gosch

28 Nays:

29 Bartling; Carson; Conzet; Dryden; Duvall; Feinstein; Gibson; Hajek; Hawks; Hawley; Hunhoff
30 (Bernie); Johns; Killer; Mickelson; Munsterman; Novstrup (David); Otten (Herman); Parsley;
31 Peterson; Ring; Romkema; Rozum; Schoenfish; Schrempp; Sly; Soli; Stevens; Tulson; Tyler;
32 Werner; Westra; Wismer

1 Excused:
2 Cronin; Heinert

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 Rep. Hajek announced her intention to reconsider the vote by which HB 1204 passed.

6 HB 1226: FOR AN ACT ENTITLED, An Act to provide remedies for assets omitted from
7 the division of property in the entry of a divorce decree.

8 Was read the second time.

9 The question being "Shall HB 1226 pass as amended?"

10 And the roll being called:

11 Yeas 68, Nays 1, Excused 1, Absent 0

12 Yeas:
13 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
14 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
15 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie);
16 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;
17 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Qualm;
18 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly;
19 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
20 Wismer; Speaker Gosch

21 Nays:
22 Peterson

23 Excused:
24 Heinert

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 Speaker declared the bill passed and the title was agreed to.

27 HB 1237: FOR AN ACT ENTITLED, An Act to revise certain provisions to abortion
28 counseling.

29 Was read the second time.

Pursuant to Joint Rule 1-5, the Speaker announced that Rep. Hansen could not continue to speak to HB 1237 without the consent of a majority of the body.

The Speaker put said motion to a vote and the motion prevailed on a standing vote.

1237ta

Rep. Johns moved that HB 1237 be amended as follows:

On page 1, line 11, of the House Judiciary Committee engrossed bill, delete "No" and insert "In any event there shall be one intervening full business day".

On page 1, delete line 12.

On page 1, line 13, delete everything before "between".

On page 2, line 2, after "." insert "For the purposes of this section, the term, business day, does not include any Saturday, Sunday, or annually recurring holiday as specifically named in § 1-5-1.".

Which motion lost.

Rep. Lust moved the previous question.

Which motion prevailed.

The question being "Shall HB 1237 pass as amended?"

And the roll being called:

Yeas 56, Nays 13, Excused 1, Absent 0

Yeas:

Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Duvall; Ecklund; Erickson; Feickert; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Kaiser; Kirschman; Kopp; Latterell; Lust; Magstadt; Mickelson; Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Peterson; Qualm; Rasmussen; Ring; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Speaker Gosch

Nays:

Dryden; Feinstein; Gibson; Hawks; Hawley; Johns; Killer; May; Parsley; Romkema; Soli; Wink; Wismer

1 Excused:
2 Heinert

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1143: FOR AN ACT ENTITLED, An Act to create a leased residential property
6 classification and to establish the school district general fund levy for the property classification.

7 Was read the second time.

8 1143fd

9 Rep. Wick moved that HB 1143 be amended as follows:

10 On page 2, line 4, of the House Taxation Committee engrossed bill, delete "10-45" and
11 insert "10-13".

12 On page 2, line 9, delete "10-42" and insert "10-13".

13 On page 6, line 23, overstrike "and".

14 On page 6, line 24, after "section" insert ", and leased residential property as provided in
15 subdivision (4) of this section".

16 Which motion prevailed.

17 The question being "Shall HB 1143 pass as amended?"

18 And the roll being called:

19 Yeas 55, Nays 13, Excused 2, Absent 0

20 Yeas:

21 Bolin; Cammack; Campbell; Carson; Conzet; Craig; Dryden; Duvall; Ecklund; Erickson;
22 Feinstein; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley;
23 Heinemann (Leslie); Hickey; Hoffman; Johns; Kaiser; Kirschman; Kopp; Latterell; Lust;
24 Magstadt; May; Mickelson; Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty);
25 Otten (Herman); Parsley; Qualm; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Sly;
26 Solum; Stalzer; Steele; Stevens; Tulson; Werner; Westra; Wick; Wink; Speaker Gosch

27 Nays:

28 Bartling; Feickert; Gibson; Hunhoff (Bernie); Killer; Peterson; Rasmussen; Russell; Schrempp;
29 Soli; Tyler; Verchio; Wismer

1 Excused:
2 Cronin; Heinert

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1060: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act
6 for fiscal year 2013.

7 Was read the second time.

8 The question being "Shall HB 1060 pass as amended?"

9 And the roll being called:

10 Yeas 57, Nays 12, Excused 1, Absent 0

11 Yeas:
12 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
13 Ecklund; Erickson; Feickert; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawley;
14 Heinemann (Leslie); Hickey; Hoffman; Johns; Kirschman; Kopp; Lust; Magstadt; May;
15 Mickelson; Miller; Munsterman; Novstrup (David); Otten (Herman); Parsley; Peterson; Qualm;
16 Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Sly; Solum; Stalzer;
17 Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

18 Nays:
19 Feinstein; Greenfield; Hawks; Hunhoff (Bernie); Kaiser; Killer; Latterell; Nelson; Olson
20 (Betty); Russell; Schrempp; Soli

21 Excused:
22 Heinert

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 Speaker declared the bill passed and the title was agreed to.

25 HB 1184: FOR AN ACT ENTITLED, An Act to make an appropriation to the Department
26 of Game, Fish and Parks to fund certain improvements to the state park system.

27 Was read the second time.

1 1184fb

2 Rep. Romkema moved that HB 1184 be amended as follows:

3 On page 1, line 4, of the printed bill, delete "two million five" and insert "three dollars
4 (\$3)".

5 On page 1, line 5, delete "hundred thousand one dollars (\$2,500,001)".

6 On page 1, line 7, delete "(\$2,000,000)" and insert "(\$1)".

7 On page 1, line 8, delete "(\$500,000)" and insert "(\$1)".

8 Which motion prevailed.

9 The question being "Shall HB 1184 pass as amended?"

10 And the roll being called:

11 Yeas 57, Nays 12, Excused 1, Absent 0

12 Yeas:

13 Bartling; Bolin; Cammack; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
14 Feickert; Gibson; Haggar (Don); Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Hickey;
15 Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Latterell; Lust; Magstadt; Mickelson;
16 Miller; Munsterman; Novstrup (David); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen;
17 Ring; Romkema; Rounds; Rozum; Schoenfish; Sly; Soli; Solum; Stalzer; Steele; Stevens;
18 Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

19 Nays:

20 Campbell; Feinstein; Greenfield; Haggar (Jenna); Kaiser; Kopp; May; Nelson; Olson (Betty);
21 Russell; Schaefer; Schrempp

22 Excused:

23 Heinert

24 So the bill having received an affirmative vote of a two-thirds majority of the members-
25 elect, the Speaker declared the bill passed and the title was agreed to.

26 HB 1161: FOR AN ACT ENTITLED, An Act to establish and provide certain incentives
27 for projects that create new jobs or promote economic activity and to establish the rural
28 economic development partnership program.

29 Was read the second time.

1 1161fj

2 Rep. Munsterman moved that HB 1161 be amended as follows:

3 On page 2, line 19, of the House State Affairs Committee engrossed bill, delete "business
4 incentive" and insert "economic development".

5 On page 3, line 4, delete "business incentive" and insert "economic development".

6 On page 3, line 23, delete "business incentive" and insert "economic development".

7 On page 4, line 2, delete "business incentive" and insert "economic development".

8 On page 4, line 12, delete "business incentive" and insert "economic development".

9 On page 4, line 19, delete "business incentive" and insert "economic development".

10 On page 8, line 10, delete "and".

11 On page 8, between lines 11 and 12, insert "

12 (k) Likelihood that the project would occur without the grant incentive; and".

13 On page 8, line 21, delete "business incentive" and insert "economic development".

14 On page 9, line 10, delete "business incentive" and insert "economic development".

15 On page 9, line 13, delete "business incentive" and insert "economic development".

16 On page 9, line 23, delete "full time".

17 On page 9, line 24, delete "to full-time".

18 Which motion prevailed.

19 1161ta

20 Rep. Nelson moved that HB 1161 be further amended as follows:

21 On page 10, after line 24 of the House State Affairs Committee engrossed bill, insert:

22 " Section 24. No person or entity may apply for or receive any funds to be awarded pursuant
23 to this Act if the person or entity has made a contribution to any candidate campaign committee,
24 political action committee, or ballot question committee as defined in § 12-27-1 within two
25 years before any such application is made.

1 No recipient of any funds awarded pursuant to this Act may make any contribution to any
2 candidate campaign committee, political action committee, or ballot question committee as
3 defined in § 12-27-1 for a period of four years after the award of funds."

4 Which motion lost.

5 The question being "Shall HB 1161 pass as amended?"

6 And the roll being called:

7 Yeas 63, Nays 6, Excused 1, Absent 0

8 Yeas:

9 Bartling; Bolin; Cammack; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
10 Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley;
11 Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Kopp;
12 Latterell; Lust; Magstadt; May; Mickelson; Miller; Munsterman; Novstrup (David); Olson
13 (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds;
14 Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson;
15 Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

16 Nays:

17 Campbell; Feickert; Feinstein; Kaiser; Nelson; Russell

18 Excused:

19 Heinert

20 So the bill having received an affirmative vote of a two-thirds majority of the members-
21 elect, the Speaker declared the bill passed and the title was agreed to.

22 HB 1136: FOR AN ACT ENTITLED, An Act to affect medical services.

23 Was read the second time.

24 Rep. Cronin moved that HB 1136 be laid on the table.

25 The question being on Rep. Cronin's motion that HB 1136 be laid on the table.

26 And the roll being called:

27 Yeas 69, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
4 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie);
5 Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;
6 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
7 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
9 Wick; Wink; Wismer; Speaker Gosch

10 Excused:

11 Heinert

12 So the motion having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the motion carried and HB 1136 was tabled.

14 HB 1137: FOR AN ACT ENTITLED, An Act to impact education in South Dakota.

15 Was read the second time.

16 The question being "Shall HB 1137 pass?"

17 And the roll being called:

18 Yeas 61, Nays 8, Excused 1, Absent 0

19 Yeas:

20 Bartling; Bolin; Cammack; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
21 Feickert; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley; Heinemann
22 (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Latterell; Magstadt;
23 May; Mickelson; Miller; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman);
24 Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish;
25 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
26 Wick; Wink; Wismer; Speaker Gosch

27 Nays:

28 Campbell; Feinstein; Greenfield; Kaiser; Kopp; Lust; Nelson; Russell

29 Excused:

30 Heinert

31 So the bill having received an affirmative vote of a majority of the members-elect, the
32 Speaker declared the bill passed and the title was agreed to.

1 HB 1235: FOR AN ACT ENTITLED, An Act to repeal the Regional Watershed Advisory
2 Task Force to save public financial resources.

3 Was read the second time.

4 1235ra

5 Rep. Hansen moved that HB 1235 be amended as follows:

6 On the House Judiciary Committee engrossed bill, delete everything after the enacting
7 clause and insert:

8 " Section 1. The Regional Watershed Advisory Task Force is hereby continued, until the
9 sunset date of January 20, 2015, as established in chapter 220 of the 2012 Session Laws, under
10 the supervision, direction, and control of the Executive Board of the Legislative Research
11 Council. The Executive Board is hereby specifically authorized to receive donations,
12 contributions, and pledges for cash, property in kind, meeting rooms, services, transport, and
13 other appropriate gifts from stakeholders and other concerned citizens, institutions, and
14 corporate entities who wish to have the Regional Watershed Advisory Task Force continue and
15 complete its statutory mission.

16 If, in the opinion of the Executive Board of the Legislative Research Council, sufficient
17 donations have been received or are likely to be received to recompense the Legislative
18 Research Council for at least fifty percent of the total costs of such agenda and study plan as the
19 Executive Board may consider to be appropriate to continue the statutory responsibilities of the
20 Regional Watershed Advisory Task Force under the present circumstances, the Executive Board
21 may authorize a specific agenda and study plan, under such restraints and limitations as the
22 Executive Board deems appropriate.

23 If stakeholder donations are exhausted, the remaining expenses shall be paid out of the
24 Legislative Research Council interim studies budget.

25 Section 2. There is hereby created the Regional Watershed Advisory Task Force fund within
26 the Legislative Research Council which is continuously appropriated for the purposes of this
27 Act."

28 Which motion prevailed.

29 The question being "Shall HB 1235 pass as amended?"

30 And the roll being called:

31 Yeas 63, Nays 6, Excused 1, Absent 0

1 Yeas:

2 Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
3 Erickson; Feickert; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks;
4 Hawley; Heinemann (Leslie); Hickey; Hoffman; Johns; Kaiser; Killer; Kirschman; Kopp;
5 Latterell; Lust; Magstadt; May; Mickelson; Miller; Munsterman; Novstrup (David); Olson
6 (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds;
7 Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson;
8 Tyler; Verchio; Werner; Westra; Wick; Wink; Speaker Gosch

9 Nays:

10 Bartling; Feinstein; Hunhoff (Bernie); Nelson; Russell; Wismer

11 Excused:

12 Heinert

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed.

15 The question being on the title.

16 1235rta

17 Rep. Hansen moved that the title to HB 1235 be amended as follows:

18 On page 1, line 1, of the House Judiciary Committee engrossed bill, delete "repeal" and
19 insert "continue".

20 On page 1, line 1, after "Force" insert "under the supervision of the Executive Board of the
21 Legislative Research Council in a manner".

22 Which motion prevailed and the title was so amended.

23 HB 1165: FOR AN ACT ENTITLED, An Act to revise certain property tax levies for the
24 general fund of school districts.

25 Was read the second time.

26 The question being "Shall HB 1165 pass?"

27 And the roll being called:

28 Yeas 67, Nays 2, Excused 1, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Dryden; Duvall; Ecklund;
3 Erickson; Feickert; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks;
4 Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer;
5 Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller; Munsterman; Nelson;
6 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
7 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
8 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
9 Speaker Gosch

10 Nays:

11 Cronin; Feinstein

12 Excused:

13 Heinert

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the bill passed and the title was agreed to.

16 There being no objection, the House reverted to Order of Business No. 8.

17 **MOTIONS AND RESOLUTIONS**

18 Rep. Hajek moved that the House do now reconsider the vote by which HB 1204 passed.

19 The question being on Rep. Hajek's motion to reconsider the vote by which HB 1204
20 passed.

21 And the roll being called:

22 Yeas 28, Nays 41, Excused 1, Absent 0

23 Yeas:

24 Bartling; Conzet; Dryden; Duvall; Feinstein; Gibson; Hajek; Hawks; Hawley; Hunhoff (Bernie);
25 Johns; Killer; Kirschman; Mickelson; Munsterman; Parsley; Peterson; Ring; Romkema;
26 Rounds; Rozum; Schrempp; Sly; Soli; Stevens; Tyler; Westra; Wismer

27 Nays:

28 Bolin; Cammack; Campbell; Carson; Craig; Cronin; Ecklund; Erickson; Feickert; Greenfield;
29 Haggar (Don); Haggar (Jenna); Hansen; Heinemann (Leslie); Hickey; Hoffman; Kaiser; Kopp;
30 Latterell; Lust; Magstadt; May; Miller; Nelson; Novstrup (David); Olson (Betty); Otten
31 (Herman); Qualm; Rasmussen; Russell; Schaefer; Schoenfish; Solum; Stalzer; Steele; Tulson;
32 Verchio; Werner; Wick; Wink; Speaker Gosch

1 Excused:
2 Heinert

3 So the motion not having received an affirmative vote of a majority of the members-elect,
4 the Speaker declared the motion lost.

5 SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

6 Rep. Lust moved that the balance of the calendar including SB 41, 45, 23, 72, 18, 19, 27,
7 78, 86, 156, 68, 88, 145, 96, 22, 29, 30, 239, 69, 103, 118, 10, 11, 189, and 190 be deferred to
8 Thursday, February 21, the 27th legislative day.

9 Which motion prevailed.

10 There being no objection, the House reverted to Order of Business No. 5.

11 **REPORTS OF STANDING COMMITTEES**

12 MR. SPEAKER:

13 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
14 and Enrolling has carefully compared HB 1086, 1106, and 1140 and finds the same correctly
15 enrolled.

16 Respectfully submitted,
17 Brian G. Gosch, Chair

18 **SIGNING OF BILLS**

19 The Speaker publicly read the title to

20 HB 1086: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
21 publication of certain records by cooperatives.

22 HB 1106: FOR AN ACT ENTITLED, An Act to revise certain Limited Liability Company
23 statutes.

1 HB 1140: FOR AN ACT ENTITLED, An Act to revise the schedule for payment of excise
2 taxes for farm wineries.

3 And signed the same in the presence of the House.

4 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
5 10:12 p.m. the House adjourned.

6 Arlene Kvislen, Chief Clerk